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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,819	10/27/1999	ENGELBERTUS VAN WILLIGEN	PHN-17.166	3807

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
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EXAMINER
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NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/427,819

Applicant(s)

VAN WILLIGEN, ENGELBERTUS

Examiner

Abdulhakim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. This communication is in response to applicants' response received on March 18, 2005.
2. The amendments of claims 1, 6 and 7 are acknowledged. It is also acknowledged that the amendments of these claims do not introduce any new matter.
3. Applicants' arguments have been fully considered but are moot in view of the new ground of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 recites the limitation "...said message comprises..." in line 2.

There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 6, in line 4 recites "...using an a RADIUS..." The word "an" is extra. Appropriate correction is required.

Claim 7, in line 6 recites "...as a as a RADIUS..." one of the phrases "as a" is extra. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hrastar et al (6,272,150 B1) (hereinafter Hrastar).

Referring to claim 1, Hrastar discloses:

Broadcast network comprising an information server coupled to an Internet protocol gateway. See, for example, col. 3, lines 22-29; col. 6, line 65-col. 7, line 27.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, Fig. 1; col. 8, lines 5-16; col. 8, lines 28-67.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 3, lines 22-29; col. 7, lines 16-27.

Authentication means coupled to an internet protocol gateway, the authentication means for authorizing the access of the subscriber terminal to interactive services. See, for example, col. 9, lines 25-34.

Wherein the subscriber terminal includes an access means for logging onto an authorization server using the internet protocol gateway to enable a request of one or more of a plurality of services, the authorization server configured as a RADIUS protocol server and to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server, and the authorization server is configured to enable the subscriber to access said one or more plurality of services. See, for example, col. 9, lines 21-49 and col. 16, lines 37-61.

Referring to claim 3, Hrastar discloses:

Broadcast network according to claim 1, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 4, lines 55-65.

Referring to claim 4, Hrastar discloses:

Broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, column 4, line 53-col. 5, line 107 and col. 6, line 64-col. 7, line 4.

Referring to claim 5, Hrastar discloses:

Subscriber station for receiving broadcast signals. See, for example, col. 6, line 64-col. 7, line 4.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, col. 3, lines 22-29, col. 7, lines 16-27 and col. 9, lines 10-14.

Wherein the subscriber terminal comprises authorization transmitting means for transmitting authorization request messages to an authorization server. See, for example, col. 7, lines 16-27 and col. 9, lines 21-25.

The subscriber further being arranged for receiving authorization messages from the authorization server. See, for example, column 9, lines 25-30.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 8, lines 11-16 and column 9, lines 25-30.

Referring to claim 6, Hrasta discloses:

A gateway for passing, information from an information server to at least one subscriber terminal. See, for example, column 8, lines 11-16 and column 8, lines 62-67.

Wherein the gateway is arranged for enabling a subscriber terminal access to an authorization server using a RADIUS protocol network, to request one or more of a plurality of services and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server. See, for example, column 9, lines 20-30.

Referring to claim 7, Hrasta discloses:

A method comprising transmitting broadcast signals to at least one subscriber station and transmitting information from the subscriber terminal to a head-end. See, for example, col. 3, lines 22-29, col. 7, lines 16-27 and col. 9, lines 10-14.

Method further comprises authorizing the access of the subscriber terminal to available services. See, for example, column 9, lines 25-47.

Wherein the method comprises a subscriber terminal accessing an authorization server, configured as a RADIUS protocol server, to request one or more of a plurality of services, checking the entitlement of the subscriber terminal to the one or more of a plurality of services to be provided and in that the method comprises enabling the subscriber to access said services if the subscriber terminal is entitled, wherein the method comprises transmitting information to the subscriber terminals via an internet protocol gateway, and in that the method comprises enabling the subscriber to access

said one or more of the plurality of services by transmitting a message to the gateway to grant said subscriber access to said services See, for example, column 8, lines 11-16, column 8, lines 62-67, col. 9, lines 21-49 and col. 16, lines 37-61.

Referring to claim 9, Pinder discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, col. 4, lines 55-65.

Referring to claim 10, Pinder discloses:

Method according to claim 9, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, col. 4, line 53-col. 5, line 107 and col. 6, line 64-col. 7, line 4.

### ***Conclusion***

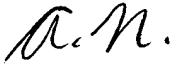
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

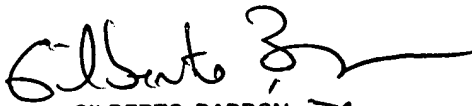
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulahakim Nobahar  
Examiner  
Art Unit 2132

AN   
May 23, 2005

  
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